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Docket No.: 244083US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 10/686,616
Applicants: Takeshi OUMARU, et al.
Filing Date: October 17, 2003
For: POWER SEMICONDUCTOR DEVICE
Group Art Unit: 2835
Examiner: RUTLAND, WALLIS, M.

SIR:

Attached hereto for filing are the following papers:

ELECTION RESPONSE

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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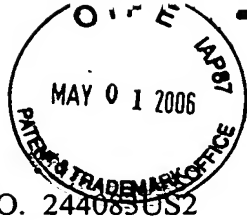
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DOCKET NO. 244085US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
TAKESHI OUMARU ET AL :EXAMINER: RUTLAND, WALLIS, M.
SERIAL NO: 10/686,616 :
FILED: OCTOBER 17, 2003 :GROUP ART UNIT: 2835
FOR: POWER SEMICONDUCTOR DEVICE

ELECTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

SIR:

In response to the Election of Species Requirement dated March 31, 2006, Applicants elect Claims 1, 4, and 8-9 as readable on Figures 11-14. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

One reason for traverse is as follows.

MPEP §806.04(f) requires:

...Claims to be restricted to different species must be mutually exclusive...

The outstanding Election of Species Requirement fails to address in any way whether the pending claims recite mutually exclusive characteristics. This provides one basis for traversing the Election of Species Requirement.

Furthermore, Applicants respectfully traverses the Election of Species Requirement for the reason that the different embodiments, indicated in the Election of Species Requirement, have not been shown to be distinct in the manner required by M.P.E.P. §816. MPEP §816 states:

The particular reasons relied on by the examiner for holding the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given.

Since the Election Requirement fails to set forth reasons relied on by the examiner for holding the inventions as claimed are either independent or distinct, it cannot be said to have met the requirement of MPEP §816.

Lastly, Applicants respectfully traverse this Election of Species Requirement for the reason that MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the Election of Species Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would clearly be burdensome on Applicants to be required to file, prosecute and maintain separate applications and patents on the identified.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-9 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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